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EXAMINER
SWINEHART, E

ART UNIT
3612

PAPER NUMBER

DATE MAILED: 05/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 22-42 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 22-42 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

1. The abstract of the disclosure is objected to because it contains legal phraseology such as "means" or "said". Correction is required. See MPEP § 608.01(b).

2. This Application is informal as headings have not been provided. Headings should be provided for each of the lettered items listed below which form part of the specification;

- (a) Title of the Invention.
- (b) Cross-References to Related Applications (if any).
- (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
- (d) Background of the Invention:
 - 1. Field of the Invention
 - 2. Description of the Prior Art.
- (e) Summary of the Invention.
- (f) Brief Description of the Drawing.
- (g) Description of the Preferred Embodiment(s).
- (h) Claim(s).
- (I) Abstract of the Disclosure.

Appropriate correction is required.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fin extending through an opening in the plate separating the upper and lower box parts of claim 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 22-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally vague and confusing in form and should be rewritten or amended to conform with U.S. practice. The following are examples of indefiniteness which exist in the claims, and should not be construed as a complete listing thereof.

In the claims, "the said" is redundant in form.

In claim 23, "that is to say" and "designed in such a way" are narrative in form, and "the connection point" lacks antecedent basis in the claim(s).

In claim 28, "and through which..." is not understood.

Claim 36 is alternative in form.

In claim 37, "such a type" renders the metes and bounds of the claim difficult to determine.

In claim 42, "preferably" renders the metes and bounds of the claim difficult to determine.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 22,24,27,31,35 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Paccoret et al.

Paccoret et al. teaches a surfboard including a fin box and mast box constructed of aluminum.

Re “plastic”, such fails to define any specific structure and/or arrangement so as to define over Paccoret et al., as this is a method claim, and as such it carries no weight.

8. Claims 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirsch.

Hirsch teaches a surfboard and method of making, comprising an opening **14** for receiving a fin as claimed. An integral stringer/finbox is inserted into a mold, the mold is closed, and then foam is introduced therein to form the body of the board. The finbox must inherently be formed prior to the molding of the board as claimed. Hirsch states that precut shell sheets **54** are first placed into the molds, vacuum drawn into shape, and then the fin box is placed therein at which time the mold is closed, and then filled with foam.

Re “plastic material”, such carries little to no weight in these method claims.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paccoret et al. in view of Knox.

Paccoret et al. Fails to teach any particulars of the fin per se, however, a fin exhibiting cross sectional characteristics as set forth in claim 23 is old and well known as evidenced by Knox.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a fin having portions resting against the board bottom on the board of Paccoret et al. As taught by Knox.

Such a combination would have been desirable at the time of the invention was made so as to provide for increased strength and improved aesthetics.

11. Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paccoret et al. in view of Lobe '681.

Paccoret et al. fails to teach provision of the opening including a resting surface for the head of a screw as claimed.

Lobe '681 teaches such a fin mounting arrangement, including an opening **19** provided with a resting surface thereabout for receiving the head of the fastener **13**.

It would have been obvious to one of ordinary skill in the art at the time of the invention to fasten the fin of Paccoret et al. as taught by Lobe '681.

Such a combination would have been desirable at the time of the invention was made so as to provide a fastener which permits the break away of the fin without damage to the board.

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12. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Hollingsworth.

Ross teaches the cutting out of a space in a board for receipt of a fin box. Ross fails to teach the formation of the fin box from laminates.

Hollingsworth teaches the securing and thereby partial formation of a board mounted box via lamination 74, which is first placed into a cutout.

It would have been obvious to one of ordinary skill in the art at the time of the invention to secure and thereby partially form the fin box of Ross via a lamination being placed in the cutout as taught by Hollingsworth.

Such a combination would have been desirable at the time of the invention was made so as to provide for the secure attachment of the fin.

13. Claims 28-30,32,33 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


14. Papers relating to this application may be submitted to Technology Center 3600 by facsimile transmission. The submission of such papers by facsimile transmission must comply with the notice published in the Official Gazette, **1096 OG 30** (November 15, 1989). The Fax Center number is (703)-305-3597.

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15. Any inquiry concerning this communication should be directed to Ed L. Swinehart whose telephone number is (703)-308-2566.

16. Any inquiry of a general nature or relating to the status of the application should be directed to the Technology Center 3600 receptionist whose telephone number is (703)-308-1113.

May 21, 1999



Ed L. Swinehart
Primary Examiner
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